

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JONATHAN OTTO, Plaintiff, - against - HEARST COMMUNICATIONS, INC. Defendant.
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Case No. 17-cv-4712 (GHW)

**STIPULATION REGARDING
NONJURY TRIAL PURSUANT
TO FED. R. CIV. P. 39(a)(1)**

WHEREAS Plaintiff Jonathan Otto (“Plaintiff”) initiated the above-captioned action by filing a complaint against Defendant Hearst Communications, Inc. (“Defendant”) on July 24, 2017 alleging one count of copyright infringement (the “Complaint”);

WHEREAS, in his Complaint, Plaintiff demanded a jury trial on all issues so triable, including the issue of damages in this copyright infringement action;

WHEREAS, the Court, having granted summary judgment to Plaintiff on the issue of liability, has scheduled a jury trial on the remaining issue of damages for July 15, 2019 [*See* ECF No. 91];

WHEREAS, Plaintiff and Defendant now desire a bench trial instead of a jury trial on the issue of damages;

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IT IS HEREBY STIPULATED AND AGREED, by and through the undersigned counsel and pursuant to Fed. R. Civ. P. 39(a)(1), that both Plaintiff and Defendant waive their right to a jury trial on the issue of damages. The parties respectfully request that the Court vacate the jury trial scheduled for July 15, 2019 and schedule a nonjury trial to commence on that date instead.

DATED: March 20, 2019

LIEBOWITZ LAW FIRM, PLLC

By: /s/**richardliebowitz**/

Richard Liebowitz
James H. Freeman
11 Sunrise Plaza, Suite 305
Valley Stream, New York 11580
(516) 233-1660
rl@liebowitzlawfirm.com
jf@liebowitzlawfirm.com

Attorneys for Plaintiff Jonathan Otto

DATED: March 20, 2019

HEARST COMMUNICATIONS, INC.

By: /s/ Nathaniel S. Boyer

Jonathan R. Donnellan
Ravi V. Sitwala
Nathaniel S. Boyer
The Hearst Corporation
300 West 57th Street, 40th Floor
New York, NY 10019
(212) 649-2030
jdonnellan@hearst.com
rsitwala@hearst.com
nathaniel.boyer@hearst.com

*Attorneys for Defendant Hearst
Communications, Inc.*

IT IS SO ORDERED:

Dated: New York, New York
_____, 2019

HON. GREGORY H. WOODS, U.S.D.J.